

**MINUTES OF HISTORICAL ADVISORY BOARD
REGULAR MEETING OF THURSDAY, FEBRUARY 3, 2005
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

Vice Chair McPherson called the meeting to order at 7:08 pm. Secretary Altschuler called the roll.

MEMBERS PRESENT: Chair McPherson, Boardmembers Miller & Lynch.

MEMBERS ABSENT: Vice-Chair Anderson, Boardmember Tilos.

STAFF PRESENT: Secretary Altschuler, Leslie Little Development Services
Director, Recording Secretary Debbie Gremminger.

AGENDA CHANGES AND DISCUSSIONS:

Remove Item 1 from agenda per the City Attorney's office. (see below.)

MINUTES:

M/S (Miller, Lynch) to approve the minutes of the Regular Meeting of January 6, 2005 with corrections. 3-0-2.

Ayes: 3; Noes: 0; Absent: 2. (Anderson, Tilos.) Motion carries.

WRITTEN COMMUNICATIONS: (Discussion only)

None.

ACTION ITEMS: (Discussion/Action)

1. Certificate of Approval CA04-0013– Helena Liang – 1104 Oak Street. The applicant requests a Certificate of Approval for an unauthorized demolition of a one-story residential structure built prior to 1942. A two-story residence in the same style was approved by Design Review (DR04-0003). The site is located within the R-5, General Residence District. (continued from 9-9-04)

Ms. Altschuler advised the Board that the City Attorney's office contacted the State Historic Preservation Office for guidance regarding the listing of the property and procedure of processing the Certificate of Approval. We were advised that it was inappropriate for the Historical Advisory Board to list the site on the Historical Building Study List, or consider a Certificate of Approval for demolition because the building was already demolished and no longer meets any of the criteria for being considered as a historic resource. Thus, rather than being a historical preservation issue for Historical Advisory Board consideration, the scope of work permitted under the issued building permit is in question. Staff requests that the Board remove this item from the agenda.

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M/S (Miller, Lynch) to remove this item from the agenda. 3-0-2.

Ayes: 3; Noes: 0; Absent: 2. (Anderson, Tilos.) Motion carries.

2. Study Session for a proposal to rehabilitate the Alameda Theatre and construct a new 7 screen Cineplex and 350 space parking structure on the Video Maniac site. This site is located at 2305 Central Avenue within the CC – CCPD, Community Commercial and Special Planned Development Districts.

Leslie Little, Development Services Director, informed the Board that Staff would like direction from the Board regarding the proposed rehabilitation and construction of the 2 story multiplex and the 352 space parking structure. She expects the project should be ready for a Planning Board public hearing in mid March.

Michael Stanton, consultant, gave a presentation which included a brief history of the theater and showed the Board what is proposed. He informed the Board that the lobby and auditorium of the Alameda Theater will be restored to look as it did in 1939 when it opened for the first time. The second floor of the lobby, will also be restored. The balcony area is not included in this first phase. The marquee will be restored as well.

In designing the new Cineplex, it is noted that, according to the guidelines from the Secretary of Interior, new construction should be clearly differentiated from the existing historic building. There will be retail on the street level corner of Central Ave. and Oak Street. There are four theaters proposed on the second level and three theaters proposed for the ground floor.

The proposed 352-parking garage will not only serve the Theater, but all of Park St. It is designed so that it can be easily expanded in the future.

Chair McPherson opened the floor for public comment.

Richard Rutter, AAPS, felt that the design should emphasize a vertical articulation, not horizontal. The materials used should be high quality such as pressed brick or terra cotta. The parking garage should not look like a parking garage. AAPS felt that the previous parking garage proposal prepared for the Long's Drug Store site was headed in a better direction. Although windows are probably not possible on the upper floors of the new theater at the Oak/Central corner, it should not be treated as a blank wall. Some suggestions include surface articulation (such as on the existing Alameda Theater), and false windows. The design should not be too modernistic. He also showed the Board pictures of other projects including the Livermore Theater which might be good prototypes for the new Alameda Theater annex. He feels that the corner of Central and Oak St. should be set back from the corner as the Twin Towers Church across the street is.

Birgitt Evans, AAPS stated that the corners should be rounded to mimic the original structure.

Chair McPherson closed the floor for public comment and opened the floor for Board communication.

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Leslie Little stated that the DDA would be ready for hearing sometime in March. The City Council has taken action to allow staff to purchase the Video Maniac's parcel.

Ms. Altschuler informed the Board a request for Certificate of Approval for the structural alterations relating to the seismic strengthening of the front façade, the new openings between the theatre and the new Cineplex, and the new opening for the concession stand. Ms. Altschuler also noted that the community would also have chance to speak at the Planning Board hearings.

The Board thanked Leslie Little and her team for a nice presentation and they all look forward for this project to begin.

REPORTS:

3. Review and consider possible modifications of Section 30-15 of the Alameda Municipal Code regulating Work Live Studios.

Ms. Altschuler informed the Board that the City Council directed staff to agenize a review of the Work/Live Ordinance by the Planning Board, the Historical Advisory Board and the Economic Development Commission. The Council asks the Historical Advisory Board to review the Ordinance in general, with specific focus on whether the ordinance protects historic buildings, and whether the Ordinance should be changed to expand the geographic limitations on work/live studios to include other portions of the City such as the Park Street or Webster Street Commercial Districts, more of the Northern Waterfront area, or Alameda Point.

Chair McPherson opened the floor for public comment.

Dick Rutter, AAPS, feels that the Ordinance should state that the kitchens should not be located near the work area. He feels that this Ordinance is a good tool in preserving Historical Buildings, and that it should be extended to include the former Navy Base. He also stated that Measure A is an issue that the community should be educated on.

Chair McPherson closed the floor for public comment and opened Board discussion.

Boardmember Miller feels that the Work/Live Ordinance is not a threat to Measure A, and has no problem expanding this to Alameda Point.

Chair McPherson stated that Board needs to ask themselves if there is anything that the Work/Live Ordinance could do to threaten Historic Preservation. She does not feel that the Board should recommend that the area be expanded to any commercial buildings on Park St. or Webster St. Chair McPherson also feels that the current ordinance may have too many limitations on developers. She would like to see this item on a future agenda so that Staff can outline all of the current limitations for the Board.

Ms. Altschuler agreed that Staff can create a list or a table listing all of the limitations such as zoning, density, parking and specific uses. Staff will try to have this ready for the April meeting.

Board member Lynch asked staff to find out how much the Work/Live permit would cost, how the permit would be enforced and would the occupant be advised of any limitations.

Ms. Altschuler informed the Board that the Work/Live permit fee has not yet been determined. There would be an individual use permit required for each project, as well as a business license for each use. A deed restriction would also be required. If an applicant is in violation of the conditions of their use permit, it can be revoked by the Planning Board.

M/S to continue this item to a future meeting for further discussion. (Miller/Lynch) 3-0-2.

Ayes: 3; Noes: 0; Absent: 2. Motion carries.

4. Consideration and possible recommendation to the City Council to revise the definition of demolition in the Historic Preservation Ordinance.

Ms. Altschuler began by informing the Board that it has become more difficult for Staff to determine whether a project meets the Historic Preservation Ordinance's definition of demolition which states that demolition occurs when 30% of the value of the building is removed. This definition has been challenging to administer because the meaning of "value of the building" can have many interpretations, thus there is no clear indication when a proposal includes a demolition and when it does not. For example, if the value of the building is based upon assessed value, two identical buildings could have a different assessed value (depending upon when it was last sold or whether it has Proposition 13 protection), and a larger portion of a building with a higher assessment could be removed before a demolition would occur. If value was dependent upon the cost of the work or materials, then more of a well-maintained, well-constructed property could be removed than a deteriorated one before the removal would meet the definition of demolition.

Staff has reviewed the definition of demolition for a number of jurisdictions. Most have language similar to that for the City of Davis which states:

"Demolition" means for the purpose of this article, any act or failure to act that destroys, removes, or relocates, in whole or in part a historical resource such that its historic character and significance is materially altered.

This approach depends upon the discretion of staff rather than a qualitative method to determine when demolition has taken place. The current Alameda definition is a better attempt at providing a more objective determination. However, even this definition is not sufficiently clear to allow both staff and the property owner to know when a structure is proposed to be demolished according to the Code. The Cities of San Jose and Los Gatos take a very objective approach. In San Jose, demolition is defined as "...the removal of more than fifty percent of the exterior walls of a building." In Los Gatos the definition is the "removal of more than twenty-five (25) percent of a wall(s) facing a public street(s) or fifty (50) percent of all exterior walls."

Staff has prepared two Alternatives for the Board to consider. Ms. Altschuler informed the Board that this would require a recommendation to City Council to change to the Historic Preservation Ordinance

Allen Tai, Planner II, presented two different examples of projects for the Board to review and determine which they feel should be considered a demolition under the current definition.

Chair McPherson wished to remind the community that this Board is not saying no to all demolitions, but would like applications to come before the Board so they can have the chance to look at it prior to demolition.

Chair McPherson opened the floor to public comment.

Birgitt Evans, AAPS, stated that she feels that as a result of 1025 Fair Oaks and 1104 Oak St; the 30% (of the value) rule is not fair to anyone involved. 30% of a home worth \$800,000.00 is \$240,000.00 which could be a huge demolition. She is in favor of Alternative #1.

Rosemary McNally stated that she is leaning more towards more that 5% of the front of the building. She also stated that it should be determined on a case-by-case basis.

Francie Farinet. , AAPS, is in favor of Alternative #2. She is not sure what the solution should be.

Chuck Miller stated that it is obvious that there needs to be clear guidelines. He feels that the front should be separate percentage from the rest of the house. In most houses the front façade is only around 20% of the house. He also feels that the roof is very important architecturally and should be taken seriously.

Chair McPherson closed public comment and opened Board discussion.

Board member Miller asked which alternative would be best for staff.

Ms. Altschuler stated that the purpose of either alternative is to have a better discussion with the applicant regarding if a demolition permit is necessary.

Chair McPherson stated she is leaning towards Alternative #1 but would like staff to add verbiage to include roof removal as part of the definition.

M/S (Miller/Lynch) to continue this item to a future meeting for further discussion. 3-0-2.

Ayes: 3; Noes: 0; Absent: 2. Motion carries.

ORAL COMMUNICATIONS:

Boardmember Lynch informed the Board that she received an e-mail from Elizabeth Johnson regarding the Alameda Point Community Workshop that will be held on March 3, 2005, which is the same time as the Regular HAB meeting. Ms. Altschuler informed the Board that this meeting will be hosted by the Planning Board and that Staff will look for an available night to hold a Special HAB meeting.

Chair McPherson stated that she spoke to Bill Norton, Interim City Manager, regarding specific interests that the Historical Advisory Board might have. She would also like to staff to agenize permit fee's relating to Historic Preservation for a future meeting.

STAFF COMMUNICATION:

Ms. Altschuler informed the Board that her last official meeting as their Secretary would be April 7, 2005. She also stated that we are currently in the process of interviewing for the Planner III position and hopes that it will be filled prior to her leaving. Ms. Altschuler will be devoting most of her remaining time to working on the Development Code revisions and completing the Guide to Residential Design. Ms. Altschuler also thanked AAPS for helping with the graphics for the Guide. She stated that Allen Tai would most likely be the "Interim" Secretary to this Board until the Supervising Planner position is filled.

ADJOURNMENT:

M/S (Lynch/Miller) to adjourn the meeting at 10:48 pm.

Respectfully Submitted by:

Judith Altschuler, Secretary
Historical Advisory Board

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